



King County

Kurt Triplett

King County Executive

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CLERK
KING COUNTY COUNCIL

September 11, 2009

The Honorable Dow Constantine
Chair, King County Council
Room 1200
COURTHOUSE

Dear Councilmember Constantine:

We are faced with a very serious and unprecedented situation in the Green River Valley due to recent damage at the federally owned and operated Howard Hanson Dam. We are informed by the Army Corps of Engineers (USACE) that damage to the dam's impoundment structure could lead to widespread flooding in the Green River Valley as early as November of this year. Such flooding would cause significant economic loss, displacement of many residents and business, and harm and disruption to core county functions like the operation of the Maleng Regional Justice Center and the Earlington elections facility.

In response to this emergency, on September 10, 2009, I issued a Proclamation of Emergency and waiver from competitive procurement and solicitation requirements for actions necessary to quickly protect King County citizens and King County roads, buildings, and other assets. A copy of the Proclamation is enclosed. Also enclosed is a motion to extend the emergency procurement waiver period beyond the ten-day standard identified in KCC 4.16.050(B) and thereby allow the county to encumber funds in excess of two hundred fifty thousand dollars with the procurement waiver still in effect.

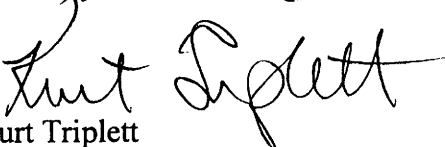
My Proclamation follows the King County Council's recent adoption of Ordinance 16639, which allows the Executive to proclaim an emergency and to waive procurement and other standard rules and procedures in anticipation of a flood due to the compromised condition of the Howard Hanson Dam. Under KCC 4.16.050(A) and (B), such a waiver stays in effect until (1) terminated by order of my office, (2) terminated by action of the council by ordinance, or (3) it expires, which is ten calendar days after there have been contracts entered into, which combined, encumber funds either in excess of \$250,000 or in excess of appropriation, unless the council extends the waiver by motion beyond the ten day period. The enclosed motion will extend the waiver through the end of the year. We are requesting the waiver at this time

because the magnitude of the expenses relating to this emergency situation will almost immediately exceed the \$250,000 limit.

A supplemental appropriation request will soon be transmitted to the council, providing the council with a detailed description of the flood threat and the county's anticipated costs for flood planning and mitigation. The supplemental request will address 2009 costs only and will not cover the cost of actual flood response or restoration costs incurred following the occurrence of a flood event. If necessary, a second emergency proclamation and procurement waiver will be transmitted to the council to address any 2010 Green River Valley response and recovery needs.

Thank you for your consideration of this important legislation. If you have any questions regarding this motion, please call Pam Bissonnette, Assistant County Executive at, 206-263-9600.

Sincerely,



Kurt Triplett
King County Executive

Enclosures

cc: King County Councilmembers
 ATTN: Tom Bristow, Interim Chief of Staff
 Saroja Reddy, Policy Staff Director
 Anne Noris, Clerk of the Council
 Frank Abe, Communications Director
Pam Bissonnette, Assistant County Executive
Beth Goldberg, Deputy Director, Office of Management and Budget
James J. Buck, County Administrative Officer, Department of Executive
 Services (DES)
Robin Friedman, Director, Office of Emergency Management, DES
Ken Guy, Director, Finance and Business Operations Division (FBOD), DES
David Leach, Manager, Procurement and Contracts Services Section, FBOD, DES

..title

A MOTION extending a waiver from competitive bidding and solicitation requirements to assure timely availability and acquisition of emergency design, construction and other required services, materials and equipment necessary to protect King County citizens, facilities, roads and other assets from the threat of flooding in the Green River valley.

..body

WHEREAS, in Ordinance 16639, King County amended its code to proactively address the significant threat of flooding in the Green River valley due to the diminished capacity of Howard Hanson dam, and

WHEREAS, the King County executive on September 10, 2009, issued a Proclamation of Emergency declaring that the release of additional waters from the Howard Hanson dam poses a threat of significant flooding throughout the Green River valley, causing substantial injury and damage to persons and property located in and near such valley, and thereby constitutes an emergency, a copy of the Proclamation is attached hereto, and

WHEREAS, pursuant to K.C.C. 4.16.050.A and K.C.C. 12.52.030.B.2, the Proclamation of Emergency also waived the competitive procurement requirements of state and county law, stating in relevant part as follows:

In order to prepare for, prevent or respond to such emergency, the requirements of K.C.C. 4.04., 4.16, 4.18, 12.16 and 12.18.095 and, pursuant to RCW 38.52.070(2), the requirements of competitive bidding

and public notice are hereby waived with reference to any contract relating to the county's lease or purchase of supplies, equipment, personal services or public works as defined by RCW 39.04.010, or to any contract for the selection and award of professional and/or technical consultant contracts [; and]

WHEREAS, under KCC 4.16.050 (A) and (B), such a waiver stays in effect until (1) terminated by order of the executive, (2) terminated by action of the council by ordinance, or (3) it expires, which is ten calendar days after there have been contracts entered into, which combined, encumber funds either in excess of \$250,000 or in excess of appropriation, unless the council extends the waiver by motion beyond the ten day period; and

WHEREAS, an extension of the waiver from the competitive procurement requirements of state and county law is necessary at this time because the magnitude of the expenses to be incurred will almost immediately exceed the \$250,000 limit.

NOW, THEREFORE, BE IT MOVED by the council of King County:

The September 10, 2009 waiver of the competitive procurement requirements of state and county law is extended through December 31, 2009 in order to acquire design, construction and other required services, supplies, materials and equipment necessary to implement actions to protect King County citizens, roads, buildings and other assets from flooding due to the diminished capacity of the Howard Hanson dam.

Attachments: A. Local Proclamation of Emergency King County



King County

LOCAL PROCLAMATION OF EMERGENCY KING COUNTY

WHEREAS, damage discovered in January on the right abutment at the federally-owned and operated Howard Hanson Dam has dramatically increased the risk of significant flooding in King County's Green River Valley for years to come; and

WHEREAS, the federal government has the sole responsibility from Congress for ensuring operation of the Howard Hanson Dam for the purposes of protecting the residents and businesses in the Green River Valley from the ravages of flooding; and

WHEREAS, the Howard Hanson Dam is the primary flood protection facility for the entire Green River Valley stretching from unincorporated areas of King County nearest the dam, through the cities of Auburn, Kent, Renton, Tukwila, and to the Duwamish River in South Seattle; and

WHEREAS, the Green River watershed encompasses an area of approximately 492 square miles; and

WHEREAS, the Howard Hanson Dam was designed to hold back up to 106,000 acre-feet of water (34,540,206,000 gallons) to protect the Green River Valley from flooding; and

WHEREAS, as a result of the damage to the abutment of the Howard Hanson Dam, the U.S. Army Corps of Engineers has determined that it may have to operate the dam at only approximately one-third of its normal capacity to prevent a breach of the entire dam; and

WHEREAS, to maintain the capacity restrictions that protect the dam during major rain storms, the U.S. Army Corps of may have to release up to 70,000 acre-feet of water (22,809,570,000 gallons) into the Green River Valley that could normally be retained behind the dam; and

WHEREAS, such releases will result in significant and potentially devastating flooding of the Green River Valley; and

WHEREAS, in the Pacific Northwest, rains and rain storms of significant size and duration typically occur during the months of October through March annually; and

WHEREAS, a significant release of water from the Howard Hanson Dam into the Green River Valley is most likely to occur when soils are already saturated and tributaries throughout the valley are already pouring substantial quantities of water into the Green River; and

WHEREAS, the levees and similar facilities along the Green River were never designed to replace the protection that the Howard Hanson Dam was designed to provide; and

WHEREAS, in 2007 King County created a Flood Control District (FCD) to fund approximately \$35 million per year in levee improvements over approximately ten years (2008-2018); and



King County

WHEREAS, despite the additional FCD funding, it is not possible for local jurisdictions to prevent or mitigate the potential flooding from the Howard Hanson Dam, because reconstructing levees to provide flood protection in place of protection from the Howard Hanson Dam, even if it were feasible, would cost hundreds of millions of dollars and take decades to complete; and

WHEREAS, the construction of the Howard Hanson Dam and the flood protection that it was designed to provide allowed the Green River Valley to develop into the largest warehouse and distribution hub in the entire Pacific Northwest; and

WHEREAS, a large portion of the groceries, medical supplies, gasoline, and other critical necessities for the entire region pass through the Green River Valley through critical infrastructure below the Howard Hanson Dam, including the BNSF International Gateway rail line and major state highways; and

WHEREAS, the Howard Hanson Dam also allowed the Green River Valley to develop into a major high-tech aerospace manufacturing center that is vital to our national security; and

WHEREAS, the impacts of flooding in the Green River Valley are far-reaching and devastating. They include the likelihood of widespread electricity and natural gas outages, contaminated water, sewage backups into residences and businesses, disrupted communications, flooded and impassable transportation corridors, damage to critical infrastructure including roads and bridges, and massive amounts of debris that cannot be removed until waters recede; and

WHEREAS, approximately 35,000 people live in the Green River Valley, and flooding from the Howard Hanson Dam this fall could displace as many as 22,000 residents from their homes, according to a Federal Emergency Management Agency (FEMA) report; and

WHEREAS, FEMA also determined that flooding in the Green River Valley this fall could result in almost \$4 billion in property damage, including substantial damage to hundreds of buildings. This includes destruction of homes, places of worship, shops, manufacturing facilities, and other businesses, warehousing and distribution operations, transportation and communications infrastructure, medical facilities, and critical public facilities; and

WHEREAS, an independent study in October 2007 by ECONorthwest Inc. determined that a shutdown of the county's floodplains would result in lost economic output of at least \$46 million per day, most of which would occur in the Green River Valley; and

WHEREAS, the U.S. Army Corps of Engineers has estimated that it could take as long as five years to design and construct permanent repairs for the right abutment at the Howard Hanson Dam, thus placing the entire Green River Valley and all its residents and businesses under a continuous threat of significant flooding every October through March for years to come; and

WHEREAS, the sheer magnitude of the ongoing threat of additional billions of gallons of water pouring into the Green River Valley requires immediate emergency response preparations that far exceed the capacity of local jurisdictions or even the State of Washington; and



King County

WHEREAS, local jurisdictions are expending significant resources to work to respond to the diminished capacity of the Howard Hanson Dam; and

WHEREAS, flooding resulting from the diminished capacity of the Howard Hanson Dam will overwhelm local resources, and local jurisdictions should not have to bear the burden of emergency response operations, planning, and recovery as a result of the diminished capacity of the federally-owned and operated Howard Hanson Dam; and

WHEREAS, the damage to the abutment at the Howard Hanson Dam has created an emergency which necessitates activation of the King County Emergency Management Plan and utilization of emergency powers granted pursuant chapter 38.52. RCW and K.C.C. Chapter 12.52; and

WHEREAS, the emergency will require the waiver of procurement procedures for emergency purchases under K.C.C. 12.52.030.B.2. and 4.16.050.

NOW, THEREFORE, BE IT PROCLAIMED BY THE KING COUNTY EXECUTIVE, KURT TRIPLETT

SECTION 1

That it is hereby declared that the release of additional waters from the Howard Hanson Dam poses a threat of significant flooding throughout the Green River Valley, causing substantial injury and damage to persons and property located in and near such Valley, and thereby constitutes an emergency, pursuant to King County Code Chapter 12.52.

SECTION 2

In order to prepare for, prevent or respond to such emergency, the requirements of K.C.C. 4.04., 4.16, 4.18, 12.16 and 12.18.095 and, pursuant to RCW 38.52.070(2), the requirements of competitive bidding and public notice are hereby waived with reference to any contract relating to the county's lease or purchase of supplies, equipment, personal services or public works as defined by RCW 39.04.010, or to any contract for the selection and award of professional and/or technical consultant contracts.

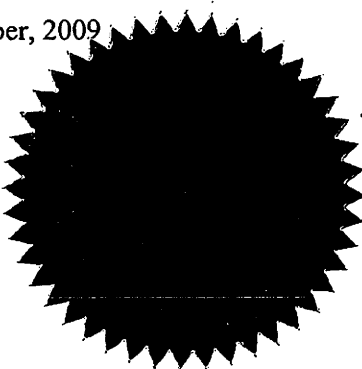
SECTION 3

Permit procedures for public work projects are hereby postponed, consistent with K.C.C. 12.52.030.B.10.

SECTION 4

The State of Washington and the United States governments are hereby requested to declare state and federal emergencies, respectively, as a result of the emergency caused by the Howard Hanson Dam.

DATED this 10th day of September, 2009



KURT TRIPLETT, King County Executive
State of Washington